

NEWS NOTES

of the Central Committee for Conscientious Objectors

Vol. 11, No. 4, July-August, 1959

Philadelphia, Pa.

Arrest 15 at Missile Base

Offer Civil Disobedience in Nonviolent Protest of Missile War Preparation Plans

A. J. Muste, 74, CCCO chairman and coordinator of Omaha Action, was arrested July 1 by a U.S. marshal when he climbed over the gate into the Mead Air Force Base, near Omaha, Nebraska. Also arrested for unlawful entry into a military base were Ross Anderson of Americus, Ga., and Karl Meyer, Chicago, son of Congressman William Meyer of Vermont. All three are members of Omaha Action, a committee organized to engage in nonviolent action against missile warfare and to convince Americans and others that the arms race is a "satanic and lethal threat" to mankind's existence.

On July 6 Wilmer Young, 71-year-old Quaker from Wallingford, Pa., and David Wyland, Toledo, Ohio printer, were arrested. A few days later Bradford Lytle, coordinator of Omaha Action, Chicago; and Donald Fortenberry, wheat farmer from Adrian, Texas, were taken into custody.

Federal District Judge Richard S. Robinson gave the maximum penalty of six months imprisonment and \$500 fine to each of the first five who entered guilty pleas. He suspended sentences and placed them on probation for one year, stipulating that defendants were forbidden to engage in similar demonstrations before any military posts anywhere in the country. The five were released on probation without assenting to conditions of probation. Lytle and Fortenberry pled guilty several days later and received six months and \$500 fines.

Speaking in court before sentencing, A. J. Muste said "When people see wrong, they are morally bound to take personal responsibility to correct it." He told the court that the government could hardly be threatened by the nonviolent action of a handful of pacifists. If it felt threatened, "it can only be because they are afraid the people will begin to listen to the pacifists and to take action to eliminate these awful weapons."

As the vigil continued in July other participants committed civil disobedience by making unlawful entry into the air base. Hiram Holdridge Jr., age 19 of Evanston, Illinois, and Larry Shumm, 19, from Seattle, Washington, were arrested on July 13, followed by Neil Haworth, 28-year-old Quaker from Chicago, on July 16. All entered pleas of not guilty and were freed on \$2500 bail pending trial in October. Ed Lazar, age 24, New York City, was also arrested on July 16. Lazar entered a plea of guilty and was sentenced to 6 months in jail and a \$500 fine.

(Continued on page 2)

C.O. Ordered to Active Duty

Pvt. William E. Callahan was released May 26 from the U.S. Army Disciplinary Barracks at Lompoc, Calif., and ordered back to Fort Sam Houston, Texas to complete his two-year draft period. Callahan was sentenced to five years imprisonment at hard labor and a dishonorable discharge by a general courtmartial at Fort Sam Houston in March, 1958 when found guilty of refusing to obey lawful commands of his superior officers.

Denied a C.O. classification by his draft board, Callahan earlier had refused to accept induction and was tried in federal court in San Francisco. He accepted the court's offer of noncombatant military duty in lieu of imprisonment, and was assigned to the Army Medical Training Center at Fort Sam Houston. After serving in the I-A-O program, Callahan concluded that he could not conscientiously perform noncombatant duty. His request for discharge from all military duty was denied and Callahan refused to obey orders. The courtmartial sentence resulted. On review, the sentence was reduced to 18 months.

Callahan writes from Fort Sam Houston that he had been given a *suspended punitive discharge* by the court-martial last year. The issuance of suspended punitive discharges to Army personnel convicted by general court-martial is a new procedure as far as CCCO can determine. We are informed that the suspended discharge procedure was instituted to enable the military prisoner to receive an honorable discharge and avoid the penalties of a dishonorable discharge upon return to civilian life.

Suspended discharges were to be executed at the disciplinary barracks. However, in May, Washington ordered all men with suspended discharges returned to active duty upon completion of their sentences. It is rumored that this step was taken as a speedy method of returning military prisoners to active duty in event of a national emergency.

When applied to a C.O. opposed to all military duty, which is Callahan's position, the suspended discharge procedure only throws the C.O. back into an intolerable situation. Unless military authorities grant an honorable discharge to Callahan shortly he will again face the possibility of courtmartial proceedings.

Callahan informed CCCO that he is requesting an honorable discharge. In the meantime he is willing to perform noncombatant duties pending action on his application. He has been assigned to a unit engaged in the second eight-weeks of basic medical training.

Government Drops Charge

Seattle Federal District Court Judge John C. Bowen dismissed on June 1 the charge against Stanley G. Sabin of refusing to accept induction into the Army. In dropping the charge the Justice Department admitted that the defendant was not guilty of refusing induction because he was improperly classified.

Robert W. Winsor, attorney for Sabin, persuaded the Justice Department that it had presented an erroneous legal opinion in its recommendation to the Washington State Selective Service Appeal Board that insofar as the registrant was previously employed in a defense industry, the most that he could be granted would be a I-A-O classification (noncombatant military duty). Winsor attacked the Department's interpretation of the law and court decisions and asserted that previous employment in a defense industry might result in a denial of a I-O classification, but not necessarily so.

Sabin, a member of the Church of Christ in Seattle, was denied a C.O. classification by Selective Service because he worked for Boeing Aircraft for six months in 1953 before Sabin took the C.O. stand. He presented evidence that he left Boeing when he became aware that it was tooling up for defense contracts.

Three CD Objectors Fined

Three residents of Gowanda, New York were fined \$10 each by County Judge J. Richmond Paige recently when they pled guilty to Grand Jury indictments charging failure to obey regulations under New York State Emergency Civil Defense law. Judge Paige expressed sympathy with the convictions of the defendants but felt that taking the law into their own hands set a bad example for the community.

Reverend Alexander Stewart, Methodist minister, Scott Rich, insurance broker and veteran of World War II and member of the American Legion, and Eleanor Wallace, business woman, were arrested May 1 by local police authorities on the charge of refusal to obey an officer during the civil defense drill in Gowanda on April 17. All three pled not guilty to this charge since no officer had appeared to order them to take cover. The Grand Jury refused to indict the defendants on this charge but indicted them on the charge of refusing to obey civil defense regulations.

ARREST 15 (Continued from page 1)

The last to be arrested for entering the air base were Arthur Harvey of Sheffield, Mass., and Marjorie Swann, mother of four children, from Trevose, Pa. The court placed them on probation July 27.

Karl Meyer and Wilmer Young refused to abide by the terms of probation and appeared at the vigil site. Meyer's probation was revoked and he was jailed. Young was later continued on probation.

John White and Erica Enzer, both from Chicago, engaged in nonviolent intervention on July 13 and sat in the public road leading into the air base. The county sheriff ordered the two to move. When they refused, they were arrested and tried in the local justice of the peace court on the charge of unlawfully obstructing a public road. Each was fined \$75 and \$8 costs. They elected to serve their fines in jail at the rate of \$3 per day.

The Nuclear Age C.O.

(An Editorial)

We have too long been accustomed to think of the conscientious objector as one opposed to military service because of religious, philosophical, or other scruples. To some, the C.O. is a disgrace to the nation; to others, a hero or saint. In reality he is a reasonably normal and ordinary individual.

In World War II and under the present draft act thousands received C.O. classifications. However, a few thousands who failed to fit into the legal pigeon holes went to prison. Had there been no draft, there would have been no issue, no problem, for most of the C.O.'s.

Compulsory military duty is vestigial in an age of nuclear warfare with its obscene and absolute destructive power. The nuclear age C.O. cannot wait until drafted to make his witness. He must "volunteer" if he is to abide by his conscience. He can write letters to his Congressmen and organize peace meetings, but ultimately he must serve with his body—by walking, by lying in the road, by suffering imprisonment, or even death.

The nuclear age C.O. won't necessarily be a man in the prime of life—age 18 to 35. We have seen them as young as eight and well over 70, marching or standing in silent vigil. Nor will women be excluded. Hydrogen warheads simply do not discriminate because of physical condition, age, or sex.

The public will find it hard to understand the nuclear age C.O. His willingness to disobey an evil, an immoral law, when the occasion demands will enrage those who place the law of man above that of God. Efforts will be made to discredit the C.O.'s loyalty. Nor will the new C.O. have any legal rights to rely upon. An appeal to the higher moral law places him outside the pale and protection of man-made law. Prison will be his common reward.

This nuclear age C.O. will vex the government and disturb the peacemakers as he pursues his objective—an end to all war.

George Willoughby

HANDBOOK CHANGES

The following changes should be noted in your copy of the HANDBOOK FOR CONSCIENTIOUS OBJECTORS, Third Edition, to bring it up to date as of August 1, 1959.

Page 14, Line 3 — Strike out the word "five" and insert "ten."

Page 28 — At end of paragraph in middle of page beginning "After a registrant has taken a presidential appeal . . ." insert the following paragraph:

"If a presidential appeal is taken on behalf of the registrant, the local board shall notify the registrant to that effect. (Sec. 1627.5)"

Page 35 — At end of paragraph beginning "A registrant reporting for induction . . ." insert the following paragraph:

"A registrant classified I-O will be ordered to perform civilian work in the same call-up order as provided for I-A and I-A-O men."

Woman Tax Refuser Arrested

Juanita Nelson, Philadelphia, was arrested June 16 by U.S. marshals and bodily carried to the U.S. Court-house to appear before Commissioner Furia on charges of refusing to transmit information about federal income tax reports which the government claims she failed to file. Juanita Nelson and her husband, Wallace Nelson, have openly refused for several years to pay any federal income tax or to file returns. Both are pacifists and express their opposition to war preparation by refusing to pay federal income taxes, a large percentage of which goes for military expenditures.

Police officials carried Juanita Nelson to the court-house when she informed them that she could not conscientiously cooperate with the arresting authorities. Two court matrons wheeled the kimona clad defendant into the crowded Commissioner's court for the hearing.

In a brief statement before the Commissioner, Juanita Nelson said that violence is wrong and that she did not want to participate in war or preparation for war. She informed the Commissioner that she had refused to pay taxes for several years as her way of refusing to participate in war. The Commissioner interrupted her statement saying that he understood her position and was not going to let her use the hearing for a pulpit. Juanita Nelson declined legal counsel and informed the Commissioner that she was not concerned with the hearing.

After two government witnesses were heard, Commissioner Furia stated that in his opinion Juanita Nelson was guilty of contempt and that he had the power to commit her to jail. However, he gave Nelson three days in which to purge herself by answering the summons from the Income Tax Internal Revenue Bureau. He continued saying "If you do not, I will recommend that you be turned over to the District Court and committed to jail. I do not want to be the first Commissioner to commit a person to jail for flouting the law."

The Commissioner adjourned the hearing as Juanita Nelson endeavored to say that she knew what she was going to do. No further legal action has ensued from the government.

Van Orman Sentence Reduced

Finally convinced that Judd Van Orman, Evanston, Illinois, was a "sincere conscientious objector," Chicago Federal District Judge Julius Hoffman on June 12 reduced Van Orman's sentence to three years on probation. He had sentenced Van Orman in April to two years imprisonment for refusal to accept induction into the Army. The judge had also increased Van Orman's bail to \$5,000 pending appeal.

The probation order expressly stated that failure of Van Orman to obey draft board orders during the term of probation would not be a cause for revoking probation. To clear the way for probation Van Orman withdrew his appeal to the U.S. Court of Appeals. J. B. Tietz, Los Angeles, was attorney for Van Orman.

Briefly Noted

Charles M. Butterworth 3d, Navy veteran turned pacifist, was given a six-month jail sentence June 18 by U.S. District Judge Noonan in New York City on the charge of aiding a deserter from the Armed Forces. Because it was a first offense Judge Noonan suspended the sentence, stating that he did not want to be the first to send Butterworth to jail. Butterworth is a member of the Catholic Worker movement.

* * *

The Reverend Maurice F. McCrackin was released from Allenwood (Pa.) Federal Prison Camp on May 29. Last December McCrackin had been sentenced to six months imprisonment and a fine of \$250 by Federal Judge Druffel for contempt of court growing out of McCrackin's refusal to produce personal papers relating to his income. For years McCrackin has been a C.O. to income tax payments which are largely used to prepare for war. McCrackin was scheduled to be released April 29 but was held in Allenwood an additional 30 days because of refusal to pay the fine. McCrackin was prepared to remain in prison indefinitely rather than pay. He has returned to his former work as a minister in Cincinnati.

* * *

The time limit for returning the Special Form for Conscientious Objector (SSS Form 150) has been extended from five to *ten* days after mailing of the form to the C.O. by the local board. No changes were made in the questions in the revision dated February 9, 1959. Local boards are instructed to use up the old forms first so it may be some time before any C.O. receives the new printing. Sample copies of Form 150 are available from CCCO upon request.

* * *

At the June meeting of CCCO's Executive Board A. J. Muste and Lyle Tatum were re-elected co-chairmen of CCCO for the coming year. Katharine Arnett and Caleb Foote were continued as treasurers for another year. Ray Arvio, Bart Harrison, Albon Man, A. J. Muste, Igal Roodenko, and Lyle Tatum were re-elected to three-year terms on the Board.

* * *

CCCO's telephone number has been changed to Locust 3-1480. After hours and on weekends urgent calls can be directed to George Willoughby, Blackwood Terrace, N. J., CAnal 7-3499.

* * *

Robert E. Hughes, executive director of the Alabama Council on Human Relations, reports that an election registrar in Birmingham last year challenged his right to vote because of his pacifist convictions. Recently, Hughes again sought to establish his voting right and answered the question about bearing arms in defense of the country by stating, "As a Christian, I cannot in conscience do violence to any child of God." The election registrar raised no objection and Hughes reports that he is now a duly registered voter in Alabama.

THE COURT REPORTER

I PROSECUTIONS

Sentences since last issue

6-17-59 Charles M. Butterworth 3d, six months suspended, (New York City) Judge Noonan, aiding deserter from Armed Forces

7-1-59 Ross Anderson } Suspended sentences of
Karl Meyer
A. J. Muste
7-6-59 Wilmer Young } six months and \$500,
7-8-59 David Wyland } one year probation,
7-27-59 Arthur Harvey } (Omaha, Nebr.) Judge
Marjorie Swann } Richard E. Robinson,
unlawfully entering military reservation.
(Probation revoked and sentence executed on Karl Meyer 7-10-59)

7-13-59 Donald Fortenberry } Six months and
Bradford Lytle } \$500, (Omaha)

7-16-59 Ed Lazar } Judge Robinson,
unlawfully entering military reservation

7-13-59 Erica Enzer, John K. White, \$75 fine plus
\$8 costs, (Wahoo, Nebraska) Justice of
Peace Howard Hunter (unlawfully ob-
structing the public road)

7-?59 Scott Rich, Alexander Stewart, Eleanor
Wallace, \$10 fine, (Gowanda, N. Y.)
Judge J. Richmond Paige, violation of
regulation of New York State Civil De-
fense Emergency Act

Sentence reduced

6-12-59 Judd Van Orman, from two years im-
prisonment to three years probation,
(Chicago) Judge Julius Hoffman, refusal
to accept induction

Dismissed

6-1-59 Stanley G. Sabin, (Seattle) Judge John
C. Bowen, refusal to accept induction

Appeals

3-2-59 Marvin Tamarkin, certiorari denied,
U.S. Supreme Court

6-16-59 James E. Carriker, conviction upheld,
4th Circuit Court of Appeals

Arrests

Nebraska—Ross Anderson, Erica Enzer, Donald
Fortenberry, Arthur Harvey, Neil Ha-
worth, Hiriam Holdridge Jr., Ed Lazar,
Bradford Lytle, Karl Meyer, A. J.
Muste, Larry Shumm, Marjorie Swann,
John K. White, David Wyland, Wilmer
Young

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Reynolds Wins New Trail

The nuclear bomb protest voyages of *Golden Rule* and *Phoenix* continue—in a legal sense. Earle Reynolds, skipper of the yacht *Phoenix*, won the right to a new trial when the Ninth Circuit Court of Appeals ruled in June that the U.S. District Court in Hawaii erred in refusing to allow Reynolds to conduct his own defense. Reynolds had been sentenced to six months imprisonment and 18 months probation for violating an Atomic Energy Commission regulation making it illegal for American citizens to enter the Central Pacific bomb test area without AEC permission. A retrial is scheduled in Honolulu for August 17.

A few days earlier the circuit court upheld the conviction of the four crewmen of *Golden Rule* on charges of criminal contempt for violating a court injunction forbidding them from sailing their vessel out of Honolulu harbor.

On May 4 Linus Pauling, Norman Thomas, Bertrand Russell and over thirty others asked the Fourth Circuit Court of Appeals in Washington, D.C. to overturn U.S. District Judge Richmond B. Keech's dismissal of their suits to test the constitutionality of the authority of the Atomic Energy Commission to explode nuclear test bombs. Judge Keech had ruled that the 39 plaintiffs had failed to show a controversy within the court's jurisdiction and that the plaintiffs had no standing to sue.

II RELEASED FROM PRISON

Good time

5-26-59 William E. Callahan
5-29-59 Maurice F. McCrackin

On parole

6-15-59 Johnny Freedom (Donn B. Reed)

III MEN CURRENTLY IMPRISONED

Springfield, Mo.—Donald Fortenberry, Ed Lazar,
Bradford Lytle, Karl Meyer
Tallahassee, Fla.—Marvin Tamarkin
Terminal Island, Calif.—William A. Kariakin
Tucson, Ariz.—Richard G. Keene
Saunders County Jail, Wahoo, Nebr.—Erica Enzer,
John K. White

(Total number of C.O.'s convicted of Selective
Service violations since 1948 to date, 343. This
is a minimum number; J.W.'s and Muslims are
not included, and we miss a few.)

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